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May 3, 2024

VIA ECF

Honorable Nelson Stephen Roman
United States District Judge
300 Quarropas Street
White Plains, New York 10601

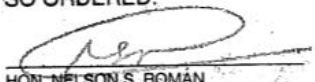
Re: Hernandez v. Eull, et al.
20 CV 4435 (NSR) (JCM)

Pltf.'s request, consented to by Defs., is GRANTED. Pltf. is directed to file a notice of appeal, if any, no later than June 10, 2024. Counsel Levine is directed to mail a copy of this memorandum endorsement to Pltf. at the address listed on ECF and to file proof of service on the docket. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 69.

Dated: May 6, 2024

White Plains, NY

SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

Dear Judge Roman:

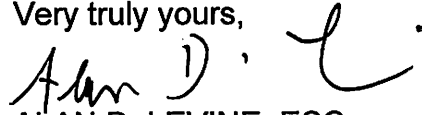
I am the attorney for the plaintiff in the above-referenced action. Pursuant to this court's decision on defendants' motion for summary judgment, an order closing the case was entered by the clerk on April 9, 2024. Thus, if plaintiff is to appeal the decision, his notice of appeal is due to be filed no later than May 9, 2024. Pursuant to Fed. R. App. P. 4(a)(5)(A)(i) and (ii), I am requesting, on behalf of plaintiff, that his time for filing his notice of appeal be extended to thirty days after May 9, 2024. The attorney for the defendants has consented to this request.

My retainer agreement with plaintiff in this action does not provide for the performance of any work connected with an appeal. Consequently, I informed plaintiff that I would not be handling an appeal in this action. He thus requested that I move for an extension of his time to either obtain an attorney to appeal the court's decision or to bring an appeal pro se. Plaintiff is incarcerated in a New York State correctional facility, which causes written communication with him to move slowly. Thus, he needs an extra thirty days in which to file a notice of appeal and, if necessary, file an application to proceed in forma pauperis. Consequently, I am making this motion on his behalf and requesting that this court find he has shown good cause for granting the requested extension.

MEMO ENDORSED

I thank the court for its consideration of this request.

Very truly yours,



ALAN D. LEVINE, ESQ.

ADL/sr

cc: Neil Shevlin, Esq.

Victor Hernandez (by first class mail)